

## MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC  
August 8, 2005

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Pro-Tem Ric Miller presiding. The meeting was called to order, followed by the invocation by Council Member Chip Little and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott  
Mayor Pro-Tem Ric Miller  
Council Member Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Chip Little  
Wayne Bowers, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

ABSENT: Council Member Rose H. Glover

### APPROVAL OF AGENDA

Motion was made by Council Member Council and seconded by Council Member Little to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Council Member Dunn and seconded by Council Member Craft to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes from the June 6 and June 9, 2005 City Council meetings
- (2) Consideration of various tax refunds

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Alfonza Jones	Incorrect amount of value applied in Old Age Exemption	\$274.40
First South Leasing	Prorate taxes on vehicle	\$116.89
- (3) Ordinance installing stop signs within the subdivisions of Vancroft and Augusta Trails, Section 2 (Ordinance No. 05-73)
- (4) Ordinance prohibiting parking on both sides of Forbes Street within 50 feet of the intersections with Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Streets (Ordinance No. 05-74)
- (5) Ordinance installing stop signs on Forbes Street at the intersection of Forbes Street and East Twelfth Street (Ordinance No. 05-75)

- (6) Ordinance establishing controlled residential parking on the east side of Maple Street from East Fourth Street to East Fifth Street (Ordinance No. 05-76)
- (7) Ordinance establishing a subdivision-wide 25 MPH speed limit in the Augusta Trails Subdivision (Ordinance No. 05-77)
- (8) Resolution accepting dedication of public rights-of-way and easements for Parmer Place, Vancroft, and Augusta Trails, Section 2 (Resolution No. 05-47)
- (9) Municipal agreement with the North Carolina Department of Transportation for maintenance and operation of the computerized signal system (Contract No. 1423; Resolution No. 05-48)
- (10) Encroachment agreement with Mohawk Carpet Corporation to allow expansion of parking lot into the right-of-way of Hooker Road (Contract No. 1424)
- (11) Encroachment agreement with Speight Realty & Investment Company to allow construction of a canopy/awning along the front of the building at 113 West Fourth Street (Contract No. 1425)
- (12) Encroachment agreement with Pitt County Memorial Hospital for the installation of telecommunication cables within the City right-of-way between 604 and 626 Medical Drive (Contract No. 1426)
- (13) Encroachment agreement with East Carolina University to allow construction of a shallow depth monitoring well on City property north of River Drive and south of the Tar River (Contract No. 1427)
- (14) Encroachment agreement with East Carolina University to allow construction of a shallow depth monitoring well on City property north of Port Terminal Road and south of the Tar River (Contract No. 1428)

**RESOLUTION ENDORSING THE FOUNDATION OF RENEWAL FOR EASTERN NORTH CAROLINA'S INNER BANKS MARKETING PROGRAM - ADOPTED**

Mr. Jim Blount, Vice President of the Foundation of Renewal for Eastern North Carolina (FoR ENC), appeared before the Council and explained a program that markets eastern North Carolina as the Inner Banks (IBX). There are efforts by the Foundation to enhance travel, tourism, entertainment, sports and lifestyle by marketing eastern North Carolina as the Inner Banks. This was compared to the portions of the State, such as the Triad, Triangle, etc. City governments in the region are being asked to endorse the new Inner Banks Marketing Program, and the City Council was asked to adopt a resolution endorsing the Program.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the resolution endorsing the Foundation of Renewal for Eastern North Carolina (FoR ENC) Inner Banks (IBX) Marketing Program. Motion carried unanimously. (Resolution No. 05-49)

**CONSIDERATION OF CITY COUNCIL POLICIES – APPROVED**

**Policy For Public Comment At City Council Meetings**

City Clerk Wanda Elks explained that Session Law 2005-170, which became effective July 11, 2005, requires at least one public comment period per month at a regular meeting of a local Board of Education, County Board of Commissioners, or Municipal Governing Board. She briefly explained the drafted policy.

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## GREENVILLE CITY COUNCIL POLICY FOR PUBLIC COMMENT

In accordance with the provisions of North Carolina General Statute 160A-81.1, the following policy is hereby established for a Public Comment Period during meetings of City Council.

1. A period reserved for comments from the public will be included as an item of business on the agenda as Public Comment Period for the City Council meeting held on the second Thursday of the month. If this Thursday meeting is not held, the Public Comment Period will be placed on the agenda for the Monday meeting prior to the second Thursday of the month. If neither of these meetings are held, the Public Comment Period will be placed on the agenda for the meeting held on the second Monday after the second Thursday of the month. If none of these meetings are held, there will be no Public Comment Period for the month.
2. The Public Comment Period will be placed on the agenda after the public hearings and prior to Other Items of Business on the agenda.
3. The Public Comment Period shall not exceed a total of thirty minutes, unless the City Council, by a majority vote, extends this limit.
4. Each individual will be allowed no more than three minutes for comments, unless the City Council, by a majority vote, extends this limit.
5. An individual wishing to address the Council during the Public Comment Period shall register with the City Clerk prior to the opening of the meeting by signing his or her name, address and a short description of his or her topic on a sign-up sheet stationed on the podium at the entrance to the Council Chambers.
6. If the thirty minutes allocated to the Public Comment Period has not expired after the individuals who have registered have spoken, individuals who fail to register before the meeting may speak during the Public Comment Period. These individuals will speak following those who registered in advance. If time remains, the Mayor will ask if any other individual wishes to address the Council during the Public Comment Period. An individual wishing to speak should raise his or her hand and ask to be recognized by the Mayor. After being recognized by the Mayor, the individual should state his or her name, address and the topic to be addressed.
7. Items that were the subject of public hearings conducted at the same meeting shall not be discussed during the Public Comment Period.
8. Action on items brought up during the Public Comment Period will be at the discretion of the City Council. If the City Council deems that the comment requires action, rarely will action be taken at the meeting when it is presented. It will likely be referred to staff for review and recommendation.

This policy, adopted August 8, 2005, supercedes previous policies for public comment during meetings of City Council on matters which are not the subject of a public hearing.

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#### Revised Policy On Public Hearings At City Council Meetings

City Attorney Holec then explained a revised draft policy on public hearings at City Council meetings. He stated that because of the need to develop the policy described above, he has drafted a policy for consideration that revises the current City Council policy on zoning public hearings by setting criteria for all public hearings of the City Council.

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#### GREENVILLE CITY COUNCIL POLICY ON PUBLIC HEARINGS

The public hearing period during meetings of City Council for the presentation of information in support of and in opposition to a matter which is the subject of a scheduled public hearing shall be conducted in a manner so as to allow a fair opportunity for persons to comment on the matter. Comments should be relevant to the matter being considered and should be limited to the introduction of new information not previously addressed by earlier persons.

When the matter which is the subject of the public hearing involves a proposed amendment to the zoning ordinance or zoning map, the public hearing shall be conducted with persons in support of the proposed amendment speaking first and persons in opposition to the proposed amendment speaking second. There will be no opportunity for rebuttal. Unless the City Council, by a majority vote, extends the time limit, the total time for persons speaking in support of a proposed amendment shall not exceed thirty (30) minutes and the total time for persons speaking in opposition to a proposed amendment shall not exceed thirty (30) minutes. Unless the City Council, by a majority vote, extends the time limit, each speaker will be allowed to speak for a period of time no greater than the following time allocation:

- a) Petitioner or designated representative (only one person): Ten (10) minutes.
- b) Professional consultants and other interested persons in support: Three (3) minutes each.
- c) Designated representative for interested persons in opposition: Ten (10) minutes. It is preferred that only one person be the designated representative for the opposition and be entitled to the additional time allowed. When multiple persons indicate a desire to be the designated representative, the Mayor may allocate an equal division of the additional seven (7) minutes among the speakers.
- d) Interested person in opposition: Three (3) minutes each.

For a public hearing on any other matter, the public hearing will be conducted with any person desiring to speak on the matter, either in support or in opposition, being provided the opportunity

to speak. The public hearing shall not exceed a total of thirty (30) minutes, unless the City Council, by a majority vote, extends this time limit. Each speaker will be allowed no more than three (3) minutes for comments, unless the City Council, by a majority vote, extends this time limit. Notwithstanding the foregoing, City Council, by a majority vote, may direct that any public hearing be conducted in the same manner as a public hearing in which the subject matter involves a proposed amendment to the zoning ordinance or zoning map.

Response to Council Member requests for additional information or clarification of comments shall not be considered a part of or count toward an individual's time allocation.

This policy, adopted August 8, 2005, supercedes previous policies on public hearings during meetings of City Council.

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Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt both the policy for public comment and the policy on public hearings, to be effective upon adoption. Motion carried unanimously. (Document Nos. 05-08 and 05-09)

#### CHANGE IN RESIDENCY REQUIREMENTS FOR POLICE AND FIRE-RESCUE EMPLOYEES – STAFF AUTHORIZED TO PREPARE A RESOLUTION AMENDING THE PERSONNEL POLICIES TO REVISE THE RESIDENCY REQUIREMENTS FOR POLICE AND FIRE/RESCUE PERSONNEL AND THE MANAGEMENT TEAM

Chief of Fire/Rescue Mike Burton and Chief of Police Joe Simonowich explained that the City Personnel Policy requires that all police and fire-rescue employees maintain a primary residence within Pitt County, and many potential candidates are lost each year due to the requirements. The departments have had difficulty recruiting more mature and experienced professionals in adjacent communities as they often have family ties, working spouses, and children in school to consider. The need to have staff available for immediate deployment due to unforeseen emergencies is too infrequent to justify the Pitt County requirement. Having an approximate one-hour border will increase the number of minorities and cities to be included. It is recommended that the residency requirements be amended to include Pitt County; Beaufort County; Greene County; Martin County; Craven County (except areas south of Catfish Lake Road or Flanner's Beach Road); Edgecombe south of State Route 97; Lenoir County north of US Highway 70; Nash County east of I-95 and south of US Highway 64 (US 64 Bypass); Wayne County north of US Highway 70 and the Goldsboro area defined by US 13 to the west, NC 581 to the south, and NC 111 to the east; and Wilson east of I-95. If the counties were included in their entirety, it would provide an additional 173,000 people within the more typical recruitment age range of 18-39 for fire/rescue. Currently, there is a base of 53,635 within Pitt County to draw from. The changes would include the more populated areas within the region such as Wilson, Tarboro, Williamston, Washington, Kinston, New Bern, much of Rocky Mount and Goldsboro. The travel distances in the worst-case scenario vary widely between the various counties ranging from 24 miles within Pitt County to 55 miles to the farthest edge of Edgecombe County. The changes are generally consistent with the requirements of other North Carolina communities. Of the 13 Police and Fire Departments surveyed, five had no requirements. The others were similar to what is being proposed. Also being requested is a change in the

practice/policy of the residency timelines. It is proposed that the practice be changed to require residency in the above areas within six months following the completion of one's initial probationary period. In cases of hardships, the City Manager may grant extensions based upon the employee's good faith efforts to meet the requirement. Where Greenville residents and non-residents are equally qualified for particular vacant positions, the Greenville resident will receive first consideration in filling such vacancies.

(NOTE: Mayor Parrott entered the meeting at this point, 6:35 p.m.)

City Manager Bowers stated that he would like to draft a residency policy requiring the management team (department heads and Deputy City Manager) to reside within the City limits within six months of employment. Those that currently live outside the City limits would be grandfathered.

Motion was made by Council Member Little and seconded by Council Member Craft to authorize staff to prepare a resolution amending Article IV, Section 1.0 of the Personnel Policies to revise the residency requirements for police and fire rescue personnel and the management team. Motion carried unanimously.

#### REVIEW OF AUGUST 11, 2005 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the August 11, 2005 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

#### COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Craft congratulated the Recreation and Parks Department on the success of River Park North and indicated that he had received positive comments about the facility.

Council Member Little stated that he met the Ulster team from Ireland and was presented a coat of arms from there. He presented the plaque to the City Manager to be displayed at City Hall.

Council Member Council reported on the following:

- The Congressional Black Caucus Institute will be having a luncheon at Cornerstone Missionary Baptist Church to celebrate the 40th Anniversary of the Voting Rights Act of 1965.
- Sheppard Memorial Library has a Youth Advisory Council that helps plan teen events.
- Congratulations to all 4-Hers who went to district and state competition. The Allstar 4-H Club received four gold and two silver medals.
- The NAACP will have a back to school youth forum at Phillippi Church.

Council Member Dunn thanked the youth of Jarvis Memorial Church for cleaning up Beatrice Maye Park. She also thanked the Public Works Department for the public meetings about the Stormwater Management Program, which were well done.

Mayor Pro-Tem Miller stated that he enjoyed the July vacation. He thanked Senators Burr and Dole and Congressmen Butterfield and Jones for their assistance in obtaining \$12 million for the

Tenth Street Connector, Greenways Expansion and Improvement, and Expansion Buses and Intermodal Center

### CITY MANAGER'S REPORT

City Manager Bowers informed the Council that there will be a need for the scheduled August 22 meeting as Dennis Massey with Pitt Community College wishes to discuss the Facilities Master Plan. Also, staff wants to present the Center City Revitalization Plan; however, no action will take place and the public hearing will not be held at that time.

City Manager Bowers reminded the Council that at the Annual Planning Session, one of the goals established was to schedule a joint meeting with the Pitt County Commissioners. The Council Members have been polled and the County Commissioners have been contacted. The time that seems most suitable for the meeting is October 3, 2005 at 5:30 at Sheppard Memorial Library.

Motion was made by Council Member Dunn and seconded by Council Member Craft to have a joint meeting with the Pitt County Commissioners on October 3, 2005 at 5:30 p.m. at Sheppard Memorial Library.

### CLOSED SESSION

Motion was made by Council Member Little and seconded by Council Member Council to go into closed session (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law, and (2) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. Motion carried unanimously.

### ADJOURN

Motion was made by Council Member Council and seconded by Council Member Craft to adjourn the meeting at 7:25 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC  
City Clerk